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Before the

FEDERAL COMMUNICATIONS COMMISSION

Washington, D.C. 20554

In the Matter of	)	
	)	
Amendment of Part 90 of the	)	PR Docket No. 93-144
Commission's Rules to Facilitate	)	RM-8117, RM-8030
Future Development of SMR Systems	)	RM-8029
in the 800 MHz Frequency Band	)	
	)	
and	)	
	)	
Implementation of Section 309 (j)	)	PP Docket No. 93-253
of the Communications Act -	)	
800 MHz SMR		

To: The Commission

COMMENTS OF

TOTAL COM, INC.

Respectfully submitted,
TOTAL COM, INC.

By: _____

William C. Wyatt, President
2701 N. Van Buren
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January 4, 1995

Introduction

Total Com, Inc. is an Oklahoma corporation that began operating on August 1, 1985 and currently employs 7 people. Our annual gross income in 1994 was $550,000. Our business is the sale and service of radio communications equipment and services. We are a vertically integrated organization with products ranging from paging to VHF and UHF radio systems, to 800Mhz SMR to antenna site rental. We currently operate 14 SMR sites in North & Western Oklahoma with 53 channels. The area we service is about 36,000 square miles with a population of about 500,000.

Since 1989 the SMR portion of our business has developed rapidly, 25% per year, to a point where we have about 400 customers using 800 mobile radio units. We began providing SMR service in rural Oklahoma years ahead of cellular. Today we use a larger percentage of our spectrum to deliver service to the public than Cellular does. Approximately 90% of these units are interconnected to the PSTN and 10% are dispatch only. The average monthly invoice for interconnect service is $40.00 for 300 minutes of service, and dispatch is $10.00 per month.

We feel compelled to comment on this FNPRM because the future of our business is threatened. We are unable to add frequencies or new locations to serve our growing markets because of a spectrum shortage.

TABLE OF CONTENTS

1. Channel Assignment and Service Areas.

We do not feel MTA licensing is appropriate because it's service area is too large. This limits the number of competitors and the potential service availability to Rural America.[1] The use of BEA's seems more appropriate. BEA's are defined by the Department of Commerce.

2. Spectrum Designated for MTA Licensing.

Nextel is now requesting a minimum of 10MHz of the spectrum to compete with PCS and cellular when they originally requested 42 channels for implementation of a wide - area system. The 800MHz spectrum is already extensively utilized in providing the most economical communications in the county. Use of contiguous spectrum should not be regulated or allocated at 8 00MHz. The majority of 800MHz spectrum is already licensed and wide - area licensees can negotiate with other licensees and provide incentives to relocate them on a voluntary basis. We agree that the "upper block" would be most suitable for wide area SMR services and that the "free market" should determine the owner/operator since 90% of it is already licensed.

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1. BEA are defined by the Department of Commerce, Bureau of Economic Analysis. Federal Register/Vol. 59, No. 214/Monday 11-7-94

We don't think 80 channels or 4MHz is sufficient spectrum for local SMR growth and there is a future requirement for spectrum. We recommend the following transition:

1. All Public Safety be "retuned" to 866-870.
2. Land Mobile be allocated the 850-855.
3. Local/Regional SMR allocated 856-860.
4. Wide-Area SMR allocated 860-865.

We do not believe the rural markets are ready for the new high cost digital technology currently available. The local SMR operator needs the opportunity to apply for a Wide-Area license so they can self-coordinate their frequencies throughout their foot print and develop new technologies for it's local market. An incumbent SMR operator should be allowed a licensing window as a designated entity to modify it's licenses for Wide-Area operation.

3. Size of MTA Spectrum Blocks.

We agree that the upper block should be divided into smaller blocks of 2.5MHz for licensing and the licensee be allowed to sub license portions of it's spectrum. There needs to be a limit of 200 channels licensed to any one entity in 800MHz. This would allow for the expansion of traditional SMR operators and new entrants with new technology.

4. Licensing of Non-Contiguous Local Channels.

The licensing of "local channels" should be addressed only after the issue of warehousing of frequencies has been resolved. In rural Oklahoma a shortage of frequencies to expand our business exists today. With hundreds of applications still in the "pipeline", once processed there will be no frequencies left for anyone, yet the number of frequencies supplying services to the public is less than 10% of the total licensed. We recommend:

1. Any licensee must have 90% of their channels constructed in each CEA[2] before more channels are authorized.

2. Extended implementations plans must be strictly monitored and resources made available to incumbent licenses so they may assist in this monitoring.

3. Any frequencies recovered be offered to local operators as designated entities first.

We do think that geographic licensing will be advantageous to market development with minimal regulation, but safeguards must eliminate spectrum warehousing. Increased fees for licenses are one means:

1. $200/channel/year for sites specific licenses.
   or
2. $.02/channel/pop for geographic areas licenses.

The new fee structure would increase FCC funding to provide necessary resources and facilities for implementation.

2.CEA are defined by the Department of Commerce, Bureau of Economic Analysis. Federal Register/Vol. 59, No. 214/ Monday 11-7-94.

No licensee should be allowed to operate more than 200 total channels. In our area Nextel/Onecomm/Motorola control 96% of all licensed YX channels. (see attachment A) With no channels to expand my business Nextel will have a monopoly, the consumer will suffer because of higher prices and lower quality, and my business will be strangled.

5. Rights and Obligations of MTA Licensees.

We agree with the concept of self-coordination for the wide area licensee. Recovered spectrum should not be automatically awarded to the wide area licensee. The "right to negotiate" with the incumbent is a pillar of our free market system and needs no regulation.

6. Treatment of Incumbent Systems

There should be no mandatory relocation of existing 800MHz SMR licensees. The consideration of mandatory relocation indicates a public need should be fulfilled. An independent customer survey needs to be conducted to determine the publics acceptance of the new digital technology that has been available since August 1993. It is evident that the financial markets and Wall Street have reconsidered their analysis. Could we be trying to change horses without knowing the new ones capability? The public need could not be served without this survey.

The cost of "retuning" would include operating dual systems to insure our customers service was uninterrupted. Since most of our customers use all of our sites and the sites and the sites of adjoining SMR operators we would need about $1,300,000 in equipment for a transition period of 6 months and $75 to $100 per subscriber unit to "retune" our SMR systems.

Any relocation of incumbents must include geographic expansion opportunities in exchange for contiguous spectrum. A wide area licensee must provide geographic expansion in exchange for an incumbents upper block license at a minimum. Existing SMR operators must be protected from co-channel interference by the original 70 mile rule, ie no short spacing that could reduce the quality of the incumbents service. In my area Onecomm & Nextel has already licensed all available 800 MHz frequencies and we have no frequencies available to us. The large operators have taken control of the frequencies away from the Commission through rule waivers and wide areas extended implementation plans and now want "new" regulations to control them. Incumbent local systems cannot remain viable if there is no means of expanding either capacity or geography. Frequencies must be returned to the Commission and set aside for local operators before considering a wide area application.

7. Co-Channel Interference Protection.

A wide area licensee must protect the incumbent by locating it's station at least 70 miles away with no short spacing allowed. We agree with the incumbent being able to operate within a defined service area and have the opportunity to establish "fill-in" stations where needed without prior application to the C Commission.

8. Construction Requirements.

Strict enforcement of the 12 month construction deadline will assist in eliminating spectrum warehousing. The use of MTA's for wide area licensing could allow service only in metro areas while the rural frequencies are left unconstructed and unavailable for any other use. The use of BEA's for geographic licensing will provide further assistance in eliminating warehousing of frequencies.

Extended implementation plans must be strictly enforced. There is a demand for frequencies today because Nextel/Oncecomm have licensed all the available spectrum and created a shortage. This shortage is crippling many small SMR operations across the country because we cannot expand our capability or area of operation as the market place requires. This situation is only beneficial to Nextel/Onecomm.

9. SMR's on General Category Channels & inter Category Sharing.

We suggest limiting the number of frequencies available to any one licensee to 200 in the 800MHz spectrum. If the wide area licensee is allowed to use up to 200 contiguous channels, his system capability should not require the use of any other 800MHz channels and would therefore return many frequencies to the "pool". Should this occur there is a demand today for "pool" channels by SMR operators and this would continue in the future.

10. Licensing Mechanism for 800MHz SMR Service.

All incumbent SMR operators should be allowed to file for a wide area license that would allow them to self coordinate channels within their footprint as of 1-5-95. The incumbent must be currently operating its system and supplying substantial service to the public. MTA geographic areas are too large for small SMR operators to operate or apply for a license or bid for in an auction. If MTA's are used the small SMR incumbent must receive a designated entity status and preference in the bidding process of 25%.

The new local SMR channels should be licensed on a site specific basis. Incumbent SMR operators should be allowed to "modify" their systems for wide area operations in their existing footprint as of 1-5-95

11. Competitive Bidding Issues.

We do not think the Commission should attempt to auction the heavily licensed 800MHz spectrum to a competitor of existing licensees.

1. There are no channels available.
2. The "right to negotiate" already exists.
3. There should be no mandatory relocation.

Any value in the 800MHz spectrum has already vanished and is held by Nextel/Onecomm in their extensive license grants. After Nextels mergers they will be providing service to about 750,000 subscribers which is about 40% of the total market. Why should their channel holdings exceed 50% of the total? We feel that frequencies must be returned to the Commission to reduce the monopolistic control of the 800MHz spectrum.

Thank you for considering our thoughts and opinions.